



**SHREWSBURY CONSERVATION COMMISSION
SHREWSBURY, MASSACHUSETTS**

MINUTES

Regular Meeting: May 13, 2003 - 7:00 P.M.

Location: Conference Room B - Old Selectmen's Hearing Room - Municipal Office Building

Present: John J. Ostrosky, Chairman
Robert P. Jacques, Vice-Chairman
Dorbert A. Thomas, Clerk
Patricia M. Banks
Kenneth F. Polito

Also Present: Brad Stone, Agent

Absent: John D. Perreault, Town Engineer

Mr. Jacques opened the meeting at 7:00 P.M.

1. Review and Approve Minutes

The Conservation Commission approved the Minutes of April 15, 2003 as submitted.

2. Signed bills.

3. Meetings and Hearings – 7:05 P.M.

285-1204 Continued – Public Hearing regarding the Notice of Intent filed by Greenleaf Farms Development Corp. for the construction of a subdivision roadway at 86 Elm Street

Attending the hearing were the engineer, John Grenier – from J.M. Grenier Associates; June and Matt Tomaiolo – the developers. Mr. Grenier said at the last hearing there were some concerns regarding the wetlands delineation, which within a few days, they met on site with Mr. Stone and reviewed the line. He said they were able to work it out with Mr. Stone.

Mr. Grenier said, since the last meeting, they have received comments from the Planning Board, and also have had a meeting with the Planning Board. He said changes that have resulted from their conversation with the Planning Board, were that they have enlarged the right-of-way area, and also shifted the paved roadway to the south away from the wetland area. He commented that by doing this, this alleviated some of the steep grading, which the Commission was concerned with on the north side of the roadway. He said this also enabled them to incorporate a water quality swale that would be able to provide additional treatment to the catch basins that are the mouth of the proposed roadway. He said this swale will run from west to east direction at the bottom of the slope.

Mr. Grenier said there was concern by the Commission regarding this slope, and said the detail sheet of the plans shows a cross-section at Station 100. He said that is the section that has the water quality swale, so that is the area that is the worse case scenario because of that swale.

Mr. Grenier listed the following other changes:

- 1) There was a request by the Engineering Department that they raise the elevation of the detention basin. He said they were concerned about surcharging from the drain line, which they also raised the roadway so that it is a continuous slope, as opposed to having a crown, and having a high point in the middle. He said they raised the roadway and they raised the level of the detention basin so there is less chance of having any standing water. He said that was a concern of both Mr. Stone and the Engineering Department.
- 2) Mr. Grenier said he has had further conversation with Mr. Stone before this meeting, in the afternoon, which resulted in these revised plans. He said Mr. Stone was requesting that for the side slope. He said Mr. Stone felt that it would be more appropriate to use a rip-rap slope, and that would be a stronger and easier to maintain by the Town in the future.
- 3) Mr. Grenier said they have also made a slight change to the detention basin. He said they show some spot grades showing exactly foot by foot, because the contours are generally two foot contours, they incorporated one foot contours, to show how the grading exactly is going to tie in, in the are of the detention basin, and to ensure that they have a flat ten-foot passable berm around the detention basin, for easier future maintenance by the Town.
- 4) Mr. Grenier said they incorporated arborvitaes on the house side of the proposed fence on Lot #1, as opposed to having arborvitaes between the stone wall and the fence.

Mr. Jacques asked Mr. Stone if he had reviewed these newest revised plans. Mr. Stone said this latest set was received at 5:00 on this day. He said looking at it quickly, it looks like they've met most of the concerns. He said he hasn't had a chance to review the drainage calculations.

Mr. Jacques asked Mr. Grenier if he had made any changes that would impact the drainage calculations. Mr. Grenier said he originally had an outlet right at the base of the detention, because of that concern about having standing water, but Mr. Stone raised concern that he didn't want water running straight through. Mr. Grenier said he raised the inlet to the outlet control structure by 1/10, and also when he made the changes to the berm, he confirmed that he kept the same areas and the same volumes, and he re-ran the drainage calculations.

Mr. Ostrosky asked how many feet he pulled the street back from the north. Mr. Grenier said originally they had a 40 foot right-of-way, and they revised it to a 50 foot right-of-way, so everything went 10 feet to the south. Mr. Ostrosky said they gained ten feet away from the wetland, so that allowed them to put in the drainage swale, which would pre-treat the run-off. Mr. Grenier said that was correct.

Mr. Ostrosky asked on the detention basin, there is a sediment forebay and the hydraulic link to the detention basin, is that solely done through the 2-inch stone and everything passes through the 2-inch stone? Mr. Grenier said yes, it will filter through.

Mr. Jacques said he had concerns about the constructability of the road, and feels this is a better proposal.

James Birnie, 178 Old Mill Road, asked if the Commission was comfortable with the ten feet pull back, as far as the snow, salt, and sand, is that going to be enough to alleviate the swamp. Mr. Ostrosky said this is 10 additional feet. Mr. Grenier said they have approximately 40 feet between the road and the wetland.

Mr. Birnie asked if the abutters have problems down the road after this development is in with water, what recourse do they have? Mr. Jacques said that through this process and of the Planning Board, which the drainage calculations are designed by the Engineering firm, and reviewed by the Engineering Department, the Commission is confident that the abutters shouldn't have water problems created by this subdivision. He said if the abutters think they do have problems, then it should be brought to the attention of the Engineering Department as soon as they occur. He said it's important to be soon about that, while the developer is still building the subdivision.

Mr. Ostrosky asked if there was clearing being done on that site, as he got a phone call about it. Mr. Tomaiolo said there was out of the buffer zone. He said away from the buffer zone there were a few trees being taken down, not within the buffer zone.

Mr. Jacques asked Mr. Stone if the changes that were made late on this date, would alter the calculations to any degree and should the hearing remain open? Mr. Stone said, from an engineering viewpoint, the only change with the detention pond would be the outlet structure itself, and the location/size of the outlet orifices, if anything. He said he didn't envision another configuration or change in the lay-out of it. He said he just wants to make sure the water remains in there for the proper amount of time. Mr. Jacques said the Commission could condition the size of the outlet structure in the Order of Conditions. Mr. Stone said that was okay.

Mr. Jacques officially closed the hearing.

285-1208 Continued – Public Hearing regarding the Notice of Intent filed by Tip Pond Corp. for the construction of a single family house at Lot 1 Silver Gate Farm

Attending the hearing were the engineer, John Grenier – from J.M. Grenier Associates; June and Matt Tomaiolo – the developers. Mr. Grenier submitted revised plans.

Mr. Grenier said lot #1 is at the end of the cul-de-sac. He said there will be off-grading, which is consistent with the roadway off-grading on the north side of the lot, and there is a walk-out in the back. He said, based on the Commission's comments at the last hearing, and also based on input from Mr. Stone, they have their erosion control installed, and about two feet in from that, they have a two-foot high stone retaining wall.

Mr. Grenier said the purpose of that wall is to allow them to get some elevation on the house, so they don't have any problems with any basement water or any under-drain problems, and water backing up into the house. He said from the wall, there is a post and rail fence that extends along the back of the house in the fill area, and then around to where it meets the detention basin. He said from the end of the stone wall, it is all at grade, so the amount of the disturbance will be just for the post holes. It's not a fill area at all. He said in from that, Mr. Stone suggested that they put a row of arborvitae.

Mr. Grenier said he tried to move the house as far west as possible. He said at one point at the corner, they are over 21 feet away from the wetland, and they have a fairly thick and solid buffer to the wetland on that northeast corner. He said beyond that on that lot, it is just the construction of the detention basin and the grading associated with that.

Mr. Grenier said what they tried to do with this lot is to try to maintain as much of the existing vegetation in this lot, trying to keep as many of the existing trees in that area.

Mrs. Thomas asked between the house and the arborvitae, is there enough room to go through? Mr. Grenier said there is 10 to 12 feet in that area, and that is the garage side of the house, so it is only one story high, so they can put a ladder up to do work.

Mrs. Banks asked if there was another way to position the house, at an angle or anything else, to move it further out. Mr. Grenier said they abutted the house up against the side yard setback in the front, and if they start twisting it, it doesn't get it any further away, it starts heading closer on the north. He said he looked at that.

Mr. Ostrosky asked, regarding the mature trees, they aren't going to be able to save a lot, because there is a detention basin in that area. He said the grades are changing all of that in that corner. Mr. Grenier said the area they are really going to be able to save is really directly behind the house.

Mr. Jacques said he is a little concerned about the filling along the northern boundary, where the fill is going in right up against the property line. He said what he would like to see is an extension of the rock along the northern property line. Mr. Grenier said there is an existing stone wall there.

Mr. Stone said he didn't think the existing stone wall is enough of a barrier, and he would like to see the arborvitae and the split rail fence extended, or an alternate type of vegetation, such as honeysuckle from flag 6A to 8A. Mrs. Tomaiolo agreed.

Mr. Jacques closed the hearing.

285-1209 Continued – Public Hearing regarding the Notice of Intent filed by Tip Pond Corp. for the construction of a single family house at Lot 2 Silver Gate Farm

Attending the hearing were the engineer, John Grenier – from J.M. Grenier Associates; June and Matt Tomaiolo – the developers.

Mr. Grenier said Lot #2 is in the southeast corner of the subdivision. He said the area that is in within 100 foot buffer zone to the wetland is a portion of the driveway and also the northerly $\frac{3}{4}$ of the house. He said they tried to maintain, the best that they could, the existing grades. He said the only work is for some site grading, the installation of the driveway, and construction of the house. He said the closest point is 50 to 60 feet to the wetland area. He said there is also installation of the detention basin between the house and the wetland area.

Mr. Ostrosky asked how they were going to outlet the foundation drains. Mr. Stone said this should be should be part of the plan. Mr. Ostrosky said this could be a condition to submit within the next couple of days.

Mr. Jacques said there are no haybales or silt fence shown on this lot, and asked if they were relying on those on Lot #1. Mr. Grenier said they were. He said a good portion of the run-off from the site will be headed towards the detention basin, and what they called out for in the plan was that during construction, to put an elbow or plug on the outlet control structure so that would act as a sedimentation basin during construction. Mr. Jacques said he agreed with that, but is also partial to providing siltation control on a lot by lot basis, because they don't know, as this stage, what the sequence of the build-out is going to be. Mr. Tomaiolo said the houses will be going up simultaneously, but they could put a silt fence on the line, if the Commission wants. Mr. Jacques said this would be good and that can be a condition.

Mr. Jacques officially closed the hearing.

285-1210 Continued – Public Hearing regarding the Notice of Intent filed by Tip Pond Corp. for the construction of a single family house at Lot 4 Silver Gate Farm

Attending the hearing were the engineer, John Grenier – from J.M. Grenier Associates; June and Matt Tomaiolo – the developers.

Mr. Grenier said the work that is within the buffer zone is the construction of half of the driveway for this lot, and the sloping that will be part of the subdivision will work into the site grading. He said the primary work for this lot will be the installation of the driveway. He said any drainage from this will be feeding into the roadway drainage, which would be going to the detention basin.

Mr. Jacques officially closed the hearing.

285-1203 Continued – Public Hearing regarding the Notice of Intent filed by SSR Apartment Value Fund II for the construction of a 108 unit residential development and clubhouse

Attending the hearing were Attorney Jack Collins – representing SSR Apartment Value Fund II; Ed Boiteau – the engineer from Rizzo Associates; Tom Sokoloski – the wetlands specialist from Rizzo Associates; and Patrick Freyberg.

Mr. Sokoloski said they have redesigned the site lay-out based on comments received the Commission, D.E.P., and the site walk that was conducted with the Commission on April 30, 2003. He the changes, which they have discussed with the Commission in the past involved re-aligning the site access road to the southern portion of the site away from the former crossing location., where they would still maintain a boardwalk and a utility crossing, where water and sewer would come through on either side of the boardwalk.

Mr. Sokoloski said the wetlands, as delineated, has been determined to be acceptable by the Commission. he said they have gone ahead with some re-alignment and setbacks of the buildings, which was another important component of the sitewalk discussions. He said in doing so, we've allowed the retaining of shrub vegetation and buffer zone between the buildings and wetland boundary. He said the building setbacks, as was discussed a month ago and at the sitewalk, have more than doubled, in most cases, from original submission. He said the closest approach is at 15 feet in a couple of locations. He said they are at an average of about 20 feet of separation, and there is separation of approximately 33 feet from building #6 on the southern side, adjacent to the largest portion of the emerging marsh, which is the most sensitive receptor to building proximity.

Mr. Sokoloski said they also discussed at the sitewalk the desire of the Commission to have a broader wetland enhancement effort on the wetland area south of the proposed boardwalk, and at the same time maintaining some concentrations of shrub plantings. He said they've got a proposed plan showing representations of locations where they would have concentrated shrub plantings, as well as a general scattering of shrub plantings throughout the area south of the boardwalk, along with a wetland seedmix that would help to diversify the grass and vegetation in that area.

Mr. Sokoloski said they talked about installing a fence along the boundary, and the plan shows conceptually locations where that will occur. He said it will keep vehicles from driving out onto the site, both during the construction phase and afterwards.

Mr. Sokoloski said they also talked about installing some interpretive signage to help educate the public on the value of the wetlands, and they have proposed four locations for those, in addition to two benches for the public to be able to have some passive recreational viewing of the wetlands.

Mr. Sokoloski said their alternative access alignment being looked at is to move it further onto the top of the slope to increase the separation from the abutting landowners to the south, and it won't be on a visual plain with Laxfield Road.

Mr. Sokoloski said overall their permanent wetland impacts are reduced by more than half from the original proposal. He said the total right now is approximately 1600 sq. ft. of bordering vegetated wetland impact that will be used to replicate in some way on the site. He said there will be temporary wetland impacts associated with the installation of the utilities. He said most of the direct permanent bordering vegetated wetland impact is due to the shading created by the boardwalk. He said the boardwalk is going to be two to four feet above the wetland. He said it's not going to alter the wetland permanently, but it has the chance to shade the vegetation, and they treated that as a permanent impact in their post-replication.

Mr. Sokoloski said because their overall impacts are lower, their replication area can be smaller, yet at the same time more in keeping with the D.E.P.'s request for 2:1 replication ratio. He said currently they have a total of approximately 3,300 sq. ft. of replication proposed.

Mr. Sokoloski said their wetland restoration of the temporary impacts will consist of loaming and seeding to restore the areas to their original condition, actually to double that original condition s. He said they would be providing an enhancement program to help to improve the habitat for the site overall.

Mr. Sokoloski said the last leg of their remediation program to have interpretive signage for public educational purposes.

Mr. Sokoloski said their setbacks are anywhere from 15 to more than 30 feet. He said to screen the areas they will retain vegetation in those areas adjacent to the wetlands, in all areas except for one, that they will need to have some supplemental buffer zone plantings.

Mr. Jacques asked Mr. Stone if he had any issues with the current proposal. Mr. Stone this was the first time he has seen all this, but he thinks most of the things that they've been discussing all along are being addressed at this point.

Mrs. Thomas asked if in the plan for enhancing the wetlands whether you were also planning to maintain that through the years so that when people throw things off the boardwalk someone will be cleaning it out. Mr. Freydborg said they use a professional landscaping service, and their on-site staff will be doing pick-up everyday.

Mr. Sokoloski said they will be installing a fence along further up the wetland boundary between the buildings and the shrub areas to provide further barrier for the public to those areas, without impeding visual access. He said the fencing will be adjacent to all of the buildings where they front on wetlands.

Mrs. Banks acknowledged that they have done a lot of work on the plans and it seems to be a much better plan, and noted the closeness of the buildings that are 15 feet away from the wetland areas.

Mr. Ostrosky asked if they anticipated any roadblocks from the other boards that might change this current proposed layout. Attorney Collins said there are two things. He said they will need to file with the Zoning Board of Appeals and they are going to Planning Board on June 4, 2003. He said it seems they have addressed all of D.E.P.'s issues. He said they have gotten several reports back from the Town Engineer and it appears they have addressed all those.

Mr. Polito asked if they were able to pick up the debris that had accumulated by the trailers. Mr. Freydborg said they are in the process of getting rid of it. He said there were two storage trailers, and those are going to be moved over to the area that is not in the wetlands. He said they also intend to go ahead with the fencing this summer adjacent to the existing parking lots, to keep all of the people away from the wetlands during construction. He said whatever isn't covered will have a construction fence.

Mr. Polito asked, regarding the wetlands, how they envisioned, in the long term, how it will look in two, three years. Mr. Sokoloski reviewed their proposed plantings. He said overall, he would envision varying density of shrubs in the near term and as the site progresses through natural succession it would become a more density developed shrub area.

Mr. Polito asked how they envision getting to the site. Mr. Sokoloski said they would have to construct the roadway, as that's the only way they can get in there.

Mr. Jacques said he's anxious to see more detail on the habitat restoration and what they are going to do to attract appropriate species.

Attorney Collins asked for a continuance to the June 17, 2003 meeting, to bring more details to the proposed plan.

Mr. Jacques continued the hearing to June 17, 2003.

285-1211 Continued – Public Hearing regarding the Notice of Intent filed by Summit Ridge Estates, Inc. for the construction of a 54 lot subdivision at Summit Ridge Estates, Gulf Street

Mr. Jacques stated Summit Ridge has asked for a continuance. The Commission voted to continued the hearing to June 17, 2003.

285-1213 Public Hearing regarding the Notice of Intent filed by the Town of Shrewsbury Board of Health to manage aquatic plant growth in Jordan Pond

Mr. Ostrosky was absent for this hearing. Nancy Allen, Director of the Board of Health, attended the hearing. She introduced Lee Lyman of Lycott Environmental. Ms. Allen said that more than a year ago, Representative Polito obtained \$30,000 in state funds, so the Town could do a restoration study of Jordan Pond. She said GZA was hired to do the work.

Ms. Allen said GZA identified a lot of the problems with Jordan Pond, and determined by their testing that Jordan Pond will not be suitable for swimming in the near future, and probably in the long term not at all.

Ms. Allen said last summer Jordan Pond took on a very unsightly appearance, stating that it was stagnant and it had a terrible algae bloom. She said the recommendations from GZA for long term planning are still not complete. She said to improve the aesthetics of Jordan Pond for this coming season, they are proposing a weed treatment for weeds and algae.

Ms. Allen said there is a particular type of weed that has taken over about 95% of the bottom of the Pond. She said they anticipate another algae bloom this summer, like last summer.

Mr. Lyman said that Jordan Pond has been managed by everyone for a number of years, up until about three years ago. He said up until that point, they had done some weed and algae management and kept both of those plants "at bay." He said then the pond was let go for two or three years and the plants decided to take over.

Mr. Lyman said the plan now is to restore it back to where it was four or five years ago. He said they are coming forward with a more aggressive management plan which involves managing the algae, like they did before, but to go one step further in the plan for a more long term management program. He said that will tie up the nutrients that the algae grows on, and said they anticipate one or two treatments this year.

Mr. Lyman said it is his impression that the Town has wanted to go forward with that three phase program, which should put that lake in pretty good shape after one to two years of those types of treatments.

Mr. Polito asked if there were treatment plans for the surface drain run-off that goes into the pond. Ms. Allen said GZA's completion report will include the preliminary design work so that the Town could put some of the in-line storm treatment units under the roadway to intercept the stormwater coming into Jordan Pond. She said, though, the design work will be done by GZA, the Town does not have the money to fund that part of it. She said that will be an ongoing process.

Mr. Jacques asked how many applications of alum does he anticipate would be necessary. Mr. Lyman said he is hoping one will do the job, which means after they do the first two treatments, one for weeds and another one for algae, then they come back in and do the alum treatment. He said hopefully they won't have any algae for the rest of the summer. He said if they start to see discoloration of the water (blue-green), then they will come back in and do another alum treatment.

Mr. Jacques asked if there were any other permits that would be needed. Mr. Lyman said, technically, in the case of this pond, probably not, because it is a privately owned pond by the Town, and there is no flowing outlet. He said, however, they feel it is a more responsible approach in this situation to get a license/permit from the Division of Watershed Management. Mr. Jacques asked that the Division of Watershed Management does issue permits, that may not apply in this case, but generally applies, in which they review the specifically the materials used and their dosages. Mr. Lyman said that was correct. Mr. Jacques asked that if the Commission was to require that as a condition of this Order, that it would be acceptable. Mr. Lyman said that was okay. Mr. Jacques asked Mr. Lyman if he was licensed to do this work, and Mr. Lyman said he is licensed by Massachusetts Pesticides. Mr. Jacques added that this should be a condition, as well.

Mr. Jacques officially closed the hearing.

285-1212 Public Hearing regarding the Notice of Intent filed by William George for the construction of a single family home addition and deck at 25 Thestland Drive

Mr. Ostrosky was absent for this hearing. Attending the hearing was William George, the homeowner. Mr. George proposed to construct an addition with deck to his existing house. He said the addition would be disturbing 1,030 sq. ft., and said all areas of disturbance during construction would be re-loamed and seeded, and stabilized as required.

Mr. Thestland said the closest point on the corner of the proposed addition to the bordering vegetated wetland line is 74.1 feet. He said the closest point on the corner of the proposed deck is 44 feet.

Mr. Jacques officially closed the hearing.

285-1214 Public Hearing regarding the Notice of Intent filed by Charles Rocheleau for the construction of a replacement septic system at 11 & 11B Shirley Lane

Mr. Ostrosky was absent for this hearing. Stephen Sears, from David Ross Associates, representing Charles Rocheleau, attended the hearing. He said this is an upgrade of the septic system at 11 & 11B Shirley Lane, and said this was a failing cess pool. He said there is a cess pool approximately 10 feet from the lake. He said he is redesigning the septic system to accommodate the two houses (one house is a two bedroom and one house is a one bedroom).

Mr. Sears said they are proposing to put a new leech field 60 feet away from the lake, with a septic tank and pump chamber. He said they are proposing a haybale barrier around it. He stated the plan was approved by the Board of Health.

Mr. Jacques asked if this required any variances by the Board of Health, and Mr. Sears said, "No."

Mrs. Banks asked how far the septic tank was from the wetland area. Mr. Sears said it was over 25 feet from the edge of the lake, which is better than the existing one, plus the new tank is water tight.

Mr. Sears said they will come under the road with the force main.

Mr. Jacques officially closed the hearing.

RDA Public Meeting regarding the Request for Determination of Applicability for the construction of a play set at 16 Lexington Road

Mr. Ostrosky was absent for this hearing. Tom Brushway, 16 Lexington Road, attended the hearing. He said he is looking for a determination on the southwest corner of his yard, where there is an wetland area, and he wants to put in a play set. He said it is going to be about 70 feet from the wetland area. He said there will be minor fill at that point, and majority of it will in the farther southwest corner. He said they will use about 60 yards of fill. He also stated the low point of the property is in the southwest corner, where it slopes east to west.

Mr. Jacques stated that this request is actually for the fill, in that portion of the property, to make it level, to put the play set, and Mr. Brushway said that was right.

Mr. Stone asked if they were going to stabilize it with mulch. Mr. Brushway said that was right and that would be right away. He said this will be a one day project, at the most two days over a week-end.

Mr. Jacques asked the grade difference between where he wants to fill and where the wetland is. Mr. Brushway said the highest point to the lowest point is 2-1/2 feet

The Commission unanimously voted a negative determination for 16 Lexington Road.

Mr. Jacques officially closed the hearing.

285-972 Public Hearing regarding the Request for an Amended Order of Conditions for the construction of a catch basin and drain pipe at Jane Street of the Noble Oak Estates Subdivision

Attending the hearing were Brian Weiner, John Nidzgorski, and Bill Haldenby (sp.?) – from Toll Brothers. Mr. Weiner said the need for the change came about because the original design plans created a low point on the westerly side of the Jane Street cul-de-sac. He said this was overlooked during the original approval process.

Mr. Weiner said they are proposing to put a catch basin in the low point, that's been created, to alleviate any potential ponding that might occur once homeowners move into lots #14 and #15. He said the outlet to the catch basin would be RCP pipe beneath the cul-de-sac to the easterly side of Jane Street where there is an existing wetland. He said this outlet is going to be clean stormwater. He said when it gets to the catch basin, the catch basin will have a sump to collect sediments. He said the water is not being directed a different route, it's the natural drainage pattern to get to the wetland system, so the water is not being directed a different route.

Mr. Ostrosky asked where they are coming across the roadway, the elevations for the 12-inch drain are such that they can't catch the 12-inch drain further down the road. Mr. Weiner said that was correct, and that they originally looked to see if they could tie into one of the other catch basins and they just couldn't do it.

Mr. Jacques closed the hearing.

RDA Public Meeting regarding the Request for Determination of Applicability for the construction of a driveway and utilities at 3 Tip Pond Road

Mr. Ostrosky was absent for this hearing. Frank, June, and Matt Tomaiolo – the developers, and Kevin Quinn, from Quinn Engineering, attended the hearing. He said the plan for Lot 1 is for work that is done in the perimeter of the buffer zone, and noted that this lot was submitted to the Commission previously and an Order of Conditions was issued. He said the Order of Conditions has expired.

Mr. Quinn said since the original filing was made, D.E.P. has come forward with a policy that says that if work is being done which Conservation Commissions would consider minor and it is within the perimeter of the buffer zone, that a Notice of Intent may not need to be filed, but a Request for Determination of Applicability could be filed. He said they are disrupting less than 5,000 sq. ft. of the buffer zone.

Mr. Quinn said basically the work shown Lot 1 is for the driveway. He said the driveway only goes 27 feet into the buffer zone, so they are in the outer most perimeter of the buffer zone. He said there is utility work on the other side that would be a few feet into the buffer zone, as well.

The Commission unanimously voted a negative determination for Lot 1 Tip Pond.

Mr. Jacques officially closed the hearing.

285-1216 Public Hearing regarding the Notice of Intent filed by the Worcester Business Development Corporation (WBDC) for the construction of an approximately one mile long connector road, from the intersection of Route 20 and Cherry Street in the Town of Shrewsbury, to the intersection of Pine Street and Centennial Drive in the Town of Grafton

Mr. Ostrosky read the legal notice to open the hearing. Mr. Jacques and Mr. Polito abstained from the hearing due to possible conflict of interest.

Attending the hearing were Kevin Conroy and Dan Hagerman– Maguire Group, and Tom Miller – Worcester Business Development Corporation.

Mr. Conroy said this hearing is for the Shrewsbury-Grafton connector project sponsored by the WBDC, and to be constructed by the Town of Shrewsbury. He said the project is approximately one mile in length, and will link Route 20 with Pine Street and Green Street in the Town of Grafton.

Mr. Conroy said the project will have disturbance of approximately 4900 feet of bordering vegetated wetlands, and approximately 197 feet of stream bank. He said the project consists of a bridge arch over Bummet Brook and several retaining walls and detention basins along the length of the project.

Mr. Hagerman said there will be no bank disturbance under the arch, because they are spanning the whole width of the brook. He said the stream bank disturbance is at the first crossing at the culvert for structural stabilization.

Mr. Hagerman reviewed the replication area. He said they chose this area because it was surrounded by existing wetlands on three sides. He said the project will impact 4,935 sq. ft. of wetlands and they are proposing approximately 7,500 sq. ft.

Mr. Ostrosky asked about the roadway construction – grades, slopes, width, etc., especially near the wetland areas. Mr. Conroy said, in general, the project slopes are ranging anywhere from 2:1 to 4:1 based on a variety of constraints, be the right-of-way or availability of land. He said in the wetland areas where they are using slopes, they are using 1-1/2:1 slope in those areas to minimize the wetland impact. He said these areas will be stabilized with either geo-membrane or a rip-rap, stone slope protection.

Mr. Ostrosky asked the reason they had to encroach so closely onto the wetland, on the left side of that roadway. He asked if they couldn't have pulled the alignment up slightly and avoided it. Mr. Conroy said one of the constraints of this project was available land. He said they were able to get access on a portion of the land. He said the roadway, as shown, is on land already owned by the WBDC or recently acquired by the Town.

Mr. Conroy said it is going to be a two-lane road, 36 feet in width, with a sidewalk on one side.

Mr. Ostrosky said the Commission will definitely want to see a detailed construction design for the 1-1/2:1 slope. He expressed concern of using geo-membrane over rip-rap, because of long term viability versus rip-rap which isn't going to go anywhere. Mr. Conroy said they don't have a preference.

Mr. Ostrosky asked, regarding the 4900 sq. ft. of wetland loss, if they took into account the loss of an area in a riparian zone where the arched bridge is, because there is loss of bank and work in the inner and outer riparian zone? Mr. Conroy said they are not proposing anything right now. Mr. Ostrosky asked if there was anything additional? Mr. Conroy said, in this particular site, they didn't think so. Mr. Hagerman said they will look at the project area and see if they can give back some wetland for those disturbances. Mr. Ostrosky said that would be good.

Mr. Stone said one of the things he would like to do before there are any final decisions, as it is a large project, is he'd like to look closer at the wetland resource areas where they are proposing wetland replication and also give the opportunity for the Commission to do a sitewalk, if they choose to.

Mr. Stone asked on the construction of the retaining walls, where they are proposing versa-lok walls, if any of the geo-textile reinforcement for that would protrude into the roadway. Mr. Conroy said he didn't think so, but he didn't know for sure, those details haven't been worked out.

Mr. Stone said the notice from the D.E.P. number issuance, mentioned that a water quality test was required for this project, and asked if they knew what triggered that. Mr. Conroy said no. Mr. Hagerman said he has spoken with Joe Belino at D.E.P., and he has required them to submit a minor 401, which is for less than 5,000 sq. ft.

Mr. Stone said one of the things he wants to see on the plans, before they do a sitewalk is location of the wetland flags and their numbers. He said he thinks that some of the things on the Commission's Policy Sheet were left off the plans, as well.

Mr. Ostrosky continued the hearing to June 17, 2003.

(Note: this hearing was continued to a Special Meeting held on June 24, 2003, due to a quorum issue.)

4. New Business

a. Discussed/Signed Draft Order of Conditions and Request for Determination of Applicability

- 285-1204 86 Elm Street – Silver Gate Farm – conditionally approved (with Ms. Banks and Mr. Jacques abstaining)**
- 285-1208 Lot 1 Silver Gate Farm – conditionally approved**
- 285-1209 Lot 2 Silver Gate Farm – conditionally approved**
- 285-1210 Lot 4 Silver Gate Farm – conditionally approved**
- 285-1203 Yorkshire Terrace – continued**
- 285-1211 Summit Ridge Estates – continued**
- 285-1213 Jordan Pond – conditionally approved**
- 285-1212 25 Thetland Drive – conditionally approved (with Mr. Ostrosky abstaining)**
- 285-1214 11 & 11B Shirley Lane – conditionally approved (with Mr. Ostrosky abstaining)**
- RDA 16 Lexington Road – voted a negative determination**
- 285-972 Noble Oak Estates – conditionally approved**
- RDA 3 Tip Pond Road – voted a negative determination**
- 285-1216 Cherry Street Connector Road – continued**

5. Old Business

a. Discussed/Signed Certificates of Compliance

- 285-1009 Shannon's Woods, Lots 1, 5, and 6**
- 285-878 10 Weagle Farm Road (Lot 17 Stonybrook Farm) – not issued**
- 285-750 Stonybrook Farm Subdivision – not issued**

b. Discussed/Signed Extension Requests

- 285-795 5A Ek Court – voted to approve extension**

6. Correspondence

7. Miscellaneous

- a) Mr. Stone said there appears to be some illegal filling of wetlands out on properties at Stonybrook Farm Subdivision. He said one of these properties is at 10 Weagle Farm Road, where they want to put a pool in. He said they are the second owners of the home, and the filling was discovered when they came to Engineering to talk to him about the pool.

Mr. Stone suggested that the Commission contact the developers and have a plan done showing where encroachments have occurred, and ask them to come to the next meeting to discuss resolution and replication. He said also it appears that Orders of

7. Miscellaneous (Cont'd)

Conditions were never recorded for some of the lots out there and homeowners are unaware of the wetland restrictions.

The Commission voted to issue an Enforcement Order for the filling of the wetlands against the owner at property 10 Weagle Farm Road and Cutler-Brown Realty Trust for the open space land. The Commission agreed that Cutler-Brown Realty Trust should be asked to attend the next meeting to discuss these issues.

- b) Huntington Road – Mr. Stone said the Commission issued an Order of Conditions at their last meeting. He said the homeowner has since started some retaining wall construction on the property that wasn't part of the original proposal. Mr. Stone said he issued a Cease and Desist and required him to come in with revised plans showing what he is doing.
- c) Pond at Fieldstone Drive – Mr. Stone said he witnessed some of the testing that the engineering firm did, just to see how much silt was there. He said what he requested is that the Commission get some kind of mitigation proposal. He said he received a report showing where they had done some test hole locations to see how much silt was there. He said, just on average, it appeared that it measured two-inches in most areas.

Mr. Jacques suggested the Commission issue an Enforcement Order requiring them to have an aquatics biologist or some expert do an environmental study of the pond and to suggest how to best remediate it. The Commission agreed.

Respectfully Submitted,

Annette W. Rebovich